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Chairman: Mr. Busacca ..... (Italy)

Contents

Agenda item 110: Elimination of racism and racial discrimination *(continued)*

Agenda item 112: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*

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The meeting was called to order at 3.45 p.m.

Agenda item 110: Elimination of racism and racial discrimination *(continued)* (A/C.3/52/L.31/Rev.1, A/C.3/52/L.38/Rev.1 and A/C.3/52/L.74)

Draft resolution A/C.3/52/L.31/Rev.1: Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

1. **The Chairman** said that the draft resolution had no programme budget implications and that Turkey was one of its original sponsors.

2. **Mrs. Msuya** (United Republic of Tanzania) said that Denmark, Finland, France, Germany, Norway, Portugal and Sweden had become sponsors of the draft resolution. As indicated in the unofficial documents distributed during the meeting, the draft resolution had been revised. In the second line of paragraph 9, the words "certain countries of the world" should be replaced by "various parts of the world" and, in the third line, the word "focused" should be replaced by "effective". In paragraph 10, the word "appropriate" should be inserted before "measures". In the first line of paragraph 11, the phrase "*categorically condemns* those who misuse" should be replaced by "*deplores* the misuse of" and, in the second and third lines of the English text, the words "in inciting" should be changed to "to incite". In the first line of paragraph 12, the words "appropriate and effective" should be inserted before the word "legislation". In addition, the draft text would now include an additional preambular paragraph, to be inserted after the sixth preambular paragraph, which would read: "*Noting* that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance", and the revised text of paragraph 4 would now read: "*Affirms* that acts of racist violence against others stemming from racism do not comprise expressions of opinion but rather offences;".

3. **The Chairman** said that Austria, Iceland, Ireland, Israel, Italy, Liechtenstein, the Republic of Moldova, Romania and Spain wished to become sponsors of the draft resolution.

4. **Mr. Kuehl** (United States of America), speaking in explanation of his delegation's position on the draft resolution before a decision was taken, said that his Government could not restrict freedom of expression in its territory; that freedom was guaranteed by the first amendment to the Constitution of the United States of America, irrespective of the opinions that might be expressed. Since it could not assume any of the obligations implied in the resolution, particularly in the sixth preambular paragraph and paragraphs 4, 6 and 11, which might have the effect of limiting freedom of expression and association, his delegation did not support the draft resolution. Nonetheless, he praised the spirit of cooperation and diplomatic skill displayed by the delegation of the United Republic of Tanzania during the negotiations on the draft text.

5. *Draft resolution A/C.3/52/L.31/Rev.1, as orally revised, was adopted without a vote.*

Draft resolution A/C.3/52/L.38/Rev.1: Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference on racism, racial discrimination, xenophobia and related intolerance

6. **The Chairman** said that the statement on the programme budget implications of the draft resolution was contained in document A/C.3/52/L.74.

7. **Mrs. Msuya** (United Republic of Tanzania) said that the tenth preambular paragraph had been revised and would now read: "*Noting* with concern that the dissemination of racist and xenophobic propaganda is also being channelled through new communication technologies, including computer networks such as the Internet". Paragraph 8 would be replaced by the following new paragraph: "*Affirms* its determination to combat violence stemming from intolerance on the basis of ethnicity which it considers an issue of particular gravity". Lastly, the word "specifically" should be deleted from section I, paragraph 14, of the draft resolution.

8. **Mr. Houansou** (Benin) drew the Secretariat's attention to the fact that, in the French version of the draft resolution, the asterisk on the first page should appear after the United Republic of Tanzania and not after Turkey.

9. **Mr. Kuehl** (United States of America), speaking in explanation of his delegation's position on the draft resolution before a decision was taken, said that his country fully supported the elimination of the universal scourge of racial discrimination. His Government had made a national dialogue on racism a priority, and, as his delegation had indicated in its statement to the Committee on the agenda item under consideration, President Clinton had announced that he would take an important initiative on that question.

10. With regard to the convening of a world conference on racism and racial discrimination, however, his Government had already expressed its reservations to the Commission on Human Rights and the Economic and Social Council. It agreed that racism in all its forms was a matter of vital importance which merited the attention of all States and Governments. However, under recent restrictions on its

contribution to the Organization's budget, the use of that contribution to finance such a conference and its preparations was unacceptable.

11. During the recent debates on the reform of the United Nations in various forums, his delegation had joined others which maintained that consideration by the international community of major issues of global concern should take place, first and foremost, in the General Assembly; the Secretary-General had endorsed that idea in his track II reform proposals (A/51/950). In other words, his delegation believed that the most effective approach to combating racism and racial intolerance was to utilize existing United Nations mechanisms and, in particular, to continue to implement the recommendations of the World Conference on Human Rights, held in Vienna in 1993, which had dealt extensively with racism and racial discrimination. However, his delegation would not oppose the adoption of the draft resolution without a vote.

12. *Draft resolution A/C.3/52/L.38/Rev.1, as orally revised, was adopted without a vote.*

13. **Mr. Reyes Rodríguez** (Cuba) said that Cuba had strongly supported the convening of a world conference on racism and racial discrimination, and his delegation welcomed the adoption of the draft resolution by consensus. However, his delegation had serious reservations regarding the statement in the programme budget implications of the draft resolution (A/C.3/52/L.74) that the conference and the preparations for it by the Commission on Human Rights were related to programme 19 Human rights, subprogramme 1 Right to development, research and analysis, of the medium-term plan for the period 1998-2001 (A/51/6/Rev.1). Cuba reserved the right to raise this question with the Advisory Committee on Administrative and Budgetary Questions (ACABQ).

14. **Mr. Hynes** (Canada) said that Canada had been pleased to join the consensus on the draft resolution. His delegation hoped that the same spirit of understanding would prevail during the preparations for the conference; those preparations should begin as soon as possible. The statement of the programme budget implications of the draft resolution provided only an outline and the financial arrangements for the world conference on racism would have to be determined by Member States, for example at a future session of the Commission on Human Rights.

Agenda Item 112: Human Rights Questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/52/L.66/Rev.1)

Draft resolution A/C.3/52/L.66/Rev.1: Right to development

15. **The Chairman** said that the draft resolution had no programme budget implications.

16. **Mr. Borda** (Colombia) said that his delegation had inadvertently omitted a very important paragraph of the draft resolution and requested the secretariat to read it out to the Committee and indicate where it was to be inserted.

17. **Ms. Newell** (Secretary of the Committee) said that the paragraph would become paragraph 16 *bis*, which read as follows:

> "16 *bis. Affirms* in the above regard that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the fiftieth anniversary of the Universal Declaration of Human Rights."

18. **Ms. Kirsch** (Luxembourg), speaking on behalf of the European Union, proposed that the fifth, fifteenth, seventeenth and twentieth preambular paragraphs and paragraphs 7, 8, 16 and 16 *bis* of the draft resolution should be deleted.

19. The European Union, which attached great importance to the right to development, had participated actively in the negotiations on draft resolution A/C.3/52/L.66. The promotion and protection of human rights contributed to the promotion of development. Obstacles to development could not justify failure to respect human rights and fundamental freedoms. Agreement could have been reached on certain questions raised in the resolution, but not on those that were of particular interest to the European Union. The European Union remained convinced that, if the text had been closer to previous resolutions, it would have been possible to reach agreement and the draft resolution could have been adopted without a vote.

20. **Mr. Borda** (Colombia) said that, since it had been impossible to reach agreement in spite of the intense negotiations on the text, his delegation had submitted the revised version that was currently before the Committee. It was regrettable that the European Union was proposing, at the current stage, amendments to the draft resolution that would delete paragraphs that were of great importance to all

members of the Movement of Non-Aligned Countries in particular.

21. With regard to the fifth preambular paragraph, the non-aligned countries considered that conventional approaches remained valid but that there was a need for new approaches that gave greater importance to development, which was the only means of laying a foundation conducive to the promotion and protection of human rights. In the fifteenth preambular paragraph, the non-aligned countries expressed the wish that decisions in the economic field should be taken on a broader basis at the global level. That was a legitimate aspiration of the developing countries, which faced tremendous difficulties because they did not participate in decision-making on economic issues. With regard to the seventeenth preambular paragraph, intense negotiations had been held on that question since the founding of the United Nations. His delegation stressed the particular importance that the developing countries attached to disarmament and the possibility of using the resources thus released for development. With regard to the twentieth preambular paragraph, it had to be acknowledged that obstacles to the realization of the right to development still persisted, including the negative effects of globalization on the right to development, particularly in developing countries. All those preambular paragraphs were of special importance to the Movement of Non-Aligned Countries.

22. With regard to paragraph 7, it was necessary to stress that many countries misused human rights in the interest of protectionism. Although paragraph 8 had been the subject of intense negotiations, his delegation remained convinced that the Secretariat should approach the question of human rights in a much more efficient manner. With regard to paragraph 16, it was surprising that one delegation was proposing that the paragraph should be deleted since it dealt with a principle contained in the Universal Declaration of Human Rights that had been accepted for 50 years. It did not seem appropriate at all, on the eve of the fiftieth anniversary of the Universal Declaration, to have to vote on those provisions. Paragraph 16 *bis* drew attention to the emergence of a situation that required a more objective and balanced approach to human rights. That was the reason for requesting the inclusion of the Declaration on the Right to Development in the International Bill of Rights. The Movement of Non-Aligned Countries therefore opposed the deletion of all of those provisions.

23. **Mr. Buchanan** (Canada) said that his delegation wished to explain its vote before the vote on the draft resolution as a whole.

24. **Mrs. Msuya** (United Republic of Tanzania) said the Group of 77 attached great importance to human rights, in particular the right to development. The Group of 77 therefore supported Colombia's request that the European Union should withdraw its proposal.

25. **Mr. Adawa** (Kenya) called upon the European Union to withdraw its proposal, since all countries, both developed and developing countries, attached great importance to the right to development. The European Union's refusal to change its position would be taken to mean that it did not support that right, just when preparations were being made to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights.

26. **Ms. Tahzib** (Netherlands) said that her delegation had not been aware that the draft resolution was being put to a vote.

27. **Mr. Borda** (Colombia) confirmed that he had not requested a vote on the draft resolution. He hoped that the text could be adopted by consensus after the amendments proposed by the European Union were rejected.

28. **Mr. Reyes Rodriguez** (Cuba) requested the European Union to take account of the majority position by withdrawing its proposal. If the delegation was unwilling to do so, however, it might be necessary to proceed to a vote.

29. **Ms. Wahbi** (Sudan) said it was her understanding that the European Union's proposal would be rejected by consensus.

30. **Ms. Kirsch** (Luxembourg) said that she would need to consult the other States members of the European Union in order to arrive at a final position.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/52/L.65 and A/C.3/52/L.69/Rev.1)

Draft resolution A/C.3/52/L.65/Rev.1: Situation of human rights in Rwanda

31. **The Chairman** said that the draft resolution had no programme budget implications.

32. **Mr. Gavin** (Canada) said that an agreement on the draft resolution had been reached only at the last minute, which was why it had not been possible to circulate the text in languages other than English. He hoped that the consensus which had enabled delegations to agree on the draft would continue to prevail, and that, as in previous years, it would be adopted without a vote. After explaining that it had been agreed that the draft would be introduced with Canada as the only sponsor, he thanked all the delegations which had taken

part in the negotiations, particularly the Ethiopian delegation, whose assistance had been extremely valuable.

33. **Ms. Wahbi** (Sudan) and **Mr. Nuñez** (Spain) said that they did not have the revised text of the draft resolution before them.

34. **The Chairman** suggested that the meeting should be suspended so that all delegations could obtain copies of the revised text.

35. *The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.*

36. **Mr. Wissa** (Egypt), supported by **Mr. Desagneaux** (France), **Ms. Wahbi** (Sudan), **Mr. Gonzáles de Linares** (Spain), **Ms. Mesdoua** (Algeria), **Mr. Xie Bohua** (China) and **Ms. Castro de Barish** (Costa Rica), said the fact that the draft resolution was not available in all the official languages of the Organization was contrary to rule 56 of the rules of procedure of the General Assembly. He would not oppose the taking of a decision on the draft by the Committee, but wished to make it clear that an isolated instance did not constitute a precedent.

37. *Draft resolution A/C.3/52/L.65/Rev.1 was adopted.*

38. **Mr. Winnick** (United States of America), explaining his position on the draft resolution just adopted, said that, while welcoming the consensus reached by delegations on the draft, he would have preferred for it to draw greater attention to the renewed violence that was now taking place in Rwanda, especially in the north-western part of the country, where innocent civilians – including women and children – had recently been killed in clashes between armed groups and government forces. It was particularly disturbing to note the similarities between such violence and the cycles of violence that Rwanda had experienced before the 1994 genocide.

Draft resolution A/C.3/52/L.69/Rev.1: Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

39. **The Chairman** said that the draft resolution had no programme budget implications.

40. **Mr. Zmeevski** (Russian Federation), speaking on a point of order, said that draft resolution A/C.3/52/L.69/Rev.1 had not been introduced officially in the Committee; it was draft resolution A/C.3/52/L.69 that had been introduced the day before. The Committee thus had before it a new proposal which was not of a procedural nature. He therefore proposed, in accordance with rule 120 of the rules of procedure of the General Assembly, that action on the draft resolution should be postponed until Friday, 28 November.

41. **Ms. Wahbi** (Sudan) requested the Secretariat to clarify whether what was at issue was a new or an amended proposal.

42. **Ms. Newell** (Secretary of the Committee) said that draft resolution A/C.3/52/L.69/Rev.1 replaced all previous drafts by definition and that it was the only one before the Committee.

43. **Mr. Winnick** (United States of America), after announcing that Austria, Bangladesh, Belgium, Canada, Denmark, Liechtenstein, Malaysia, Norway, New Zealand and Poland had become sponsors of the draft resolution, read out the changes that had been made to draft resolution A/C.3/52/L.69. In the seventh preambular paragraph, the final phrase "and especially the recommendations set forth therein" had been deleted; in the third and fourth lines of paragraph 8, the phrase "in the former Yugoslavia" had been replaced by "in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)". In the second line of paragraph 14, the word "citizens" had been replaced by "nationals"; at the end of paragraph 15, a clause had been added: "and to allow the immediate, unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, Sandjak and Vojvodina, called for in Security Council resolution 855 (1993) of 9 August 1993". In the third line of paragraph 16, after the word "immediately", the phrase "in conformity with the rule of law and international obligations" had been deleted; at the end of paragraph 31, the words "in accordance with applicable international law" had been deleted, and in the fifth line, after the word "institutions", the words "and organizations" had been added. In the third line of paragraph 40, the words "in particular" had been replaced by "*inter alia*".

44. **Mr. Zmeevski** (Russian Federation), having heard the amendments read out by the United States representative, asked the Chairman, in accordance with rule 120 of the rules of procedure, whether he believed that those amendments were procedural.

45. **Mr. Winnick** (United States of America) said that the sponsors had held lengthy and intensive consultations – in which the Russian Federation had participated in a constructive manner – and had arrived at a text enjoying broad support which stood little chance of being amended further. After consulting a large number of sponsors and other members of the Committee as to the usefulness of deferring a decision on the draft resolution, his delegation

had concluded that it would be advisable to take a decision on the draft at the current meeting.

46. **Mr. Zmeevski** (Russian Federation), speaking on a point of order, said he believed that there was confusion between two questions, namely, the substantive question of which the United States representative had spoken, and the procedural question to which his own statement had referred. It seemed to him that the amendments concerned did not fall into the procedural category, that the 24-hour rule provided for in rule 120 of the Rules of Procedure of the General Assembly should apply, and that he was therefore entitled to inform his Government of the content of the amendments.

47. **Ms. Schosseler** (Luxembourg), speaking as a sponsor of the draft resolution, confirmed that there had been lengthy consultations on the text, that it was unlikely to be amended further, and, therefore, that it was necessary to take a decision at the current meeting.

48. **Mr. Wissa** (Egypt) noted that every country had the sovereign right to request the postponement of action on a draft resolution and that rule 120 of the Rules of Procedure of the General Assembly in fact stipulated that amendments must be circulated not later than the day preceding the meeting at which a vote was to be taken on them. Nevertheless, draft resolution A/C.3/52/L.69/Rev.1 was an official document that had been translated into all the official languages of the United Nations, and he therefore urged the Russian Federation to allow the Committee to take action on it at the current meeting.

49. **Mr. Ball** (New Zealand), **Ms. Castro de Barish** (Costa Rica) and **Mr. Wille** (Norway), all of them sponsors of the draft resolution, pointed out that its text was the outcome of lengthy consultations. They hoped that the Committee would take action on the draft resolution at the current meeting.

50. **Mr. Zmeevski** (Russian Federation) said that the Committee must be careful not to create a precedent.

51. **Mr. Wissa** (Egypt), speaking on a point of order, said that there was no question of creating a precedent, since draft resolution A/C.3/52/L.69/Rev.1 was dated 25 November, i.e., the day before it had been circulated as an official document in all the languages of the Organization. It was therefore perfectly in order for the Committee to take action on it.

52. **Mr. Zmeevski** (Russian Federation) said that his delegation had received the text in written form only at 11.30 that morning. Besides, when his delegation had submitted amendments at a similar point in 1996 and the United States and other delegations had requested that action on the corresponding draft resolution be postponed, his delegation had deferred to their wishes.

53. **The Chairman** noted that the Committee had already had occasion to take action on amendments submitted the same day. While he acknowledged that the proposed revisions were not just procedural, he did not feel that they were substantive either, since they did not really alter the text of the draft resolution. Given the views expressed by various members of the Committee, he decided that the Committee should take action on the draft resolution at the current meeting.

54. **Mr. Zmeevski** (Russian Federation) said that he would defer to the Chairman's decision, but adhered to his position on rule 120. His delegation requested a recorded vote on the draft resolution.

55. **Mr. Simonovic** (Croatia) said that his country had sponsored the draft resolution because most of its concerns had been met: the draft resolution acknowledged that the human rights situation in the three countries varied and that Croatia had made progress in ensuring the protection and promotion of human rights and fundamental freedoms.

56. Croatia was a member of the Council of Europe and, on 5 November 1997, had ratified the European Convention on Human Rights, under which individuals could apply to the European Court of Human Rights if they had any complaints about national human rights machinery. His delegation welcomed the request made to the Office of the United Nations High Commissioner for Human Rights to initiate projects emphasizing human rights training for professionals involved in law enforcement and the rule of law, as well as human rights education. It was that kind of programme, rather than human rights monitoring, that would foster cooperation between Croatia and the United Nations. Given the progress made by Croatia in the field of human rights, his delegation wondered whether the human rights situation in that country should continue to be the subject of resolutions.

57. **Ms. Schosseler** (Luxembourg) said that the European Union fully supported the draft resolution, but wished to reiterate its position that the correct name of one of the countries mentioned was the Federal Republic of Yugoslavia, without any additional wording in brackets.

58. **Mr. Wissa** (Egypt), speaking in explanation of vote before the voting, said that his delegation fully supported the draft resolution but had reservations about the seventh preambular paragraph, which referred to the reports and recommendations of the Special Rapporteur of the Commission on Human Rights, including her most recent

preambular paragraph, which referred to the reports and recommendations of the Special Rapporteur of the Commission on Human Rights, including her most recent report (A/52/490). In paragraph 36 of that report, the Special Rapporteur exceeded her mandate by calling for the abolition of the death penalty. His delegation would vote against the seventh preambular paragraph if it was put to a separate vote, since there was no international consensus on the abolition of the death penalty. Moreover, the death penalty was provided for by the Qur'an and permitted in a number of the world's legal systems, including the Islamic shariah. Article 6 of the International Covenant on Civil and Political Rights also recognized the death penalty.

59. **Mr. Heng Jee See** (Singapore), speaking in explanation of vote before the voting, said that his delegation supported the draft resolution but had reservations about the seventh preambular paragraph, which referred to the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Republic of Bosnia-Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). In paragraph 36 of that report, the Special Rapporteur claimed that the death penalty was incompatible with international law. In so doing, she clearly exceeded her mandate; moreover, her claim was patently wrong, since article 6(2) of the International Covenant on Civil and Political Rights explicitly permitted the death penalty for the most serious crimes in accordance with the law in force at the time of the commission of the crime. There was no consensus on the abolition of capital punishment, which was part of the system of justice in many countries, including Singapore, and, in other countries, was an integral part of the system of religious law. The Special Rapporteur's citing of the European Convention on Human Rights and its Sixth Additional Protocol also revealed an ethnocentric bias.

60. **Mr. Aquarone** (Netherlands) confirmed that his Government was a sponsor of the draft resolution.

61. **Mr. Naber** (Jordan) thanked the United States delegation for securing a consensus on the draft resolution and the Special Rapporteur of the Commission on Human Rights for her report. His delegation supported the draft resolution but had reservations about the seventh preambular paragraph, which referred to the report of the Special Rapporteur and the recommendations contained therein. It felt that the conclusion reached by the Special Rapporteur in her comments on the death penalty, namely, that the death penalty was incompatible with international law, was wrong, since there was no international consensus on the abolition of the death penalty and that penalty was an integral part of the legal system of some Member States, including Jordan. Article 6 of the International Covenant on Civil and Political Rights, which his Government had ratified, permitted the death penalty for the most serious crimes in accordance with the law in force at the time of the commission of the crime.

62. **Ms. Hadji** (Greece) said that her delegation supported the statement made by the representative of Luxembourg concerning the draft resolution, and would favour the draft resolution as an expression of its support for the principle of full respect for the fundamental rights of ethnic minorities in accordance with international law and international instruments – a principle that was particularly applicable in the Balkan region. Greece had not sponsored the draft resolution, however, because it felt that everything possible must be done to ensure that the promotion and protection of the fundamental rights of ethnic minorities were not used as a pretext for advocating secessionist policies or altering long-established borders such as those of the Federal Republic of Yugoslavia.

63. **Mr. Najem** (Lebanon), **Mr. Saleh** (Bahrain), **Mr. Afshari** (Islamic Republic of Iran), **Mr. Al Hariri** (Syrian Arab Republic), **Mr. Al Sudairy** (Saudi Arabia), **Mr. Ould Mohamed** (Mauritania), **Mr. Win Mra** (Myanmar), **Ms. Wahbi** (Sudan), **Mrs. Al Awdi** (Kuwait), **Mr. Al Shamsi** (United Arab Emirates), **Mr. Al Hajri** (Qatar), **Mr. Ndiaye** (Senegal), **Mr. Al Taee** (Oman), said that while they supported the draft resolution they had reservations concerning the seventh preambular paragraph which referred to the recommendations in the report of the Special Rapporteur of the Commission on Human Rights, paragraph 36 of which stated that the death penalty was incompatible with international law, including the European Convention on Human Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, since there was no international consensus on abolishing the death penalty, article 6 of the International Covenant on Civil and Political Rights recognized the existence of the death penalty and abolition of the latter was incompatible with the shariah.

64. *A recorded vote was taken on draft resolution A/C.3/52/L.69/Rev.1.*

In favour:

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark,

Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Belarus, Russian Federation.

Abstaining:

Angola, Benin, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, India, Kenya, Lao People's Democratic Republic, Mali, Namibia, Nigeria, Philippines, Sierra Leone, Swaziland, Uganda, United Republic of Tanzania, Zimbabwe.

65. *Draft resolution A/C.3/52/L.69/Rev.1 was adopted by 123 votes to 2, with 24 abstentions.*

66. **Mr. Hamida** (Libyan Arab Jamahiriya), speaking in explanation of vote after the vote, said that while his delegation had voted in favour of the draft resolution it had reservations about it given that the seventh preambular paragraph referred to paragraph 36 of the report of the Special Rapporteur of the Commission on Human Rights, the content of which his delegation rejected. The Special Rapporteur had exceeded her mandate by making recommendations based on the allegation that the death penalty was incompatible with international law and European legal texts currently in effect. Given that, the death penalty was inherent in three monotheistic religions and was applied in most Member States; it was perfectly compatible with international law. There had never been any international consensus on abolishing it; that was a matter for each sovereign State to decide.

67. **Mr. Zmeevski** (Russian Federation) said that the Russian Federation had participated actively in negotiations to settle conflicts in the territory of the former Yugoslavia and to normalize the situation, including the human rights situation, in that region. Given the number of questions that had yet to be dealt with in that area, his delegation believed that the issue of normalization of the situation should have been approached in an objective and balanced manner; that was the approach his delegation had taken in considering the draft resolution. It had been hoped that the proposed amendments would have resulted in a more objective and balanced text, more in keeping with the rules of international law and no longer reflecting outdated stereotypes. In practice, however, the co-sponsors had made only superficial changes to the draft; the latter therefore had the same shortcomings as earlier texts; his delegation could not accept that, as a matter of principle. Not only did the text refer to countries by their old designations, but it contained tendentious wording regarding the evolution of events in the region and, more particularly, the legislation of the Federal Republic of Yugoslavia, the border regime with neighbouring countries and rules governing access of foreigners to its territory. Paragraphs 13, 14, 17, 26 and 31, in particular, infringed on the competence of Yugoslavia. The wording used to characterize the human rights situation in the other countries mentioned in the draft resolution did not give a true picture of the situation in those countries; that was not in the interest of the countries in question, nor in that of the international community. His delegation had no choice but to ask that the text be put to the vote and to vote against it.

68. **Mr. Bhatti** (Pakistan) said that although his delegation was a sponsor of the draft resolution, it had reservations concerning the seventh preambular paragraph which referred to the report of the Special Rapporteur of the Commission on Human Rights, paragraphs 36 and 66 of which contained comments regarding the death penalty and recommendations that were incompatible with Koranic law (shariah) and the laws in effect in Pakistan.

69. **Mrs. Bennani** (Morocco) said that since there was no international consensus on abolishing capital punishment, here delegation, although it was a sponsor of the draft resolution, associated itself with the reservations expressed by the preceding speakers regarding the seventh preambular paragraph; that paragraph was not in any way binding on those countries whose legislation provided for the death penalty in especially serious circumstances.

rightly stated in her report; it was up to States to decide whether they wished to accede to it.

71. **Mr. Ben Amor** (Tunisia) said that although his delegation was one of the sponsors of the draft resolution, it was not at all concerned by the seventh preambular paragraph and it was even less by the recommendations made by the Special Rapporteur of the Commission on Human Rights in her report.

72. **Mr. Meremi** (Niger) apologizing for not having taken the floor prior to the vote, stated that, since the death penalty existed in Niger, his delegation had reservations concerning the seventh preambular paragraph of the draft resolution.

The meeting rose at 6.25 p.m.